

does the chairman have to chair the committee, but each committee has subcommittees. Armed Services, of which I am a member, and Judiciary, of which I am a member, have four, five, six subcommittees, and each one of those subcommittees the last 2 years has been chaired by Democratic chairmen, as well as the chairman of the committee being Democratic. Now those subcommittees will be chaired by Republicans who have the burden of moving the legislation forward and moving an agenda forward.

It is historic that the chairmen and the majority on the committees have had a higher degree of financial support than the minority.

There is a lot of work for us to do. This last Congress, which I suggest raised obstructionism to a high art form, was a failure by any objective analysis. It is little wonder its failure led to a change in the majority in this body.

For example, for the first time in nearly 30 years, we did not pass a budget. This was a signal failure that symbolized the "my way or no way" attitude of the past Congress leadership.

We failed to pass a prescription drug plan. Why? Because the Democratic leadership insisted on a bill that would spend twice what we had budgeted the year before. We had budgeted \$300 billion for a prescription drug plan. But, oh, no, it had to be twice that. Some suggested that had to do with politics. Some suggested there was a concern on behalf of the leadership—and I hope this is not true—that if a bill passed, the President would get credit and the Republicans would get credit, and they did not want them to get credit. I hope that is not true.

I do know I was prepared to vote for a bill that even exceeded that \$300 billion which would have created a prescription drug plan that had tripartisan support, but it never went forward to be passed.

Then there was the homeland security issue, really an amazing issue. The President of the United States, in response to an attack on the homeland of the United States and after careful evaluation, concluded we needed to reorganize our Government to get those departments and agencies that function to protect our homeland security together in one agency so they could work together in an effective way to be more efficient and more productive in protecting our homeland.

It was a big deal. He proposed that resolution, and what happened? Some of our Government union friends—and I used to be a Government employee; I know and respect many of those members—wanted to use the homeland security bill as leverage to maneuver into the law provisions providing benefits to their workers that were not even in current law. When, in fact, we were trying to create an agency that was more like a military agency—with a higher degree of responsiveness required than the normal agencies—no,

they wanted to make sure there were even greater protections than existed at the time for workers.

The President said: What I need is flexibility, please, Senate. His bill passed the House. He said to the Senate: Please give me some flexibility; I have to move people; I have to be able to protect and defend the homeland of America. Don't tie this up by politics of special interest. He urged us not to do so. We debated and debated, and it was obstructed week after week, and then we took his case to the American people on election day, and the American people spoke. They said: We are tired of obstructionism. We want a bill. We want homeland security, and we want it now. A few weeks ago in December when we were in a lame-duck session, the homeland security bill passed quickly, and the leadership on the other side of the aisle capitulated to the changes the President wanted. It was a complete victory for the President because the American people spoke on that issue.

Another one of the more amazing failures of this past Congress was our utter inability to pass the appropriations bills. This Government cannot function; no Government agency can spend a dime that has not been appropriated by the Congress. So each year we have a burden to do our jobs before the beginning of the fiscal year in October and pass appropriations bills. We work on that every year. Sometimes we do pass them on time, and sometimes we are a few weeks late and have to do a continuing resolution, but we normally get the appropriations bills done. Not this year. By October 1, we had not done our job. By the time we recessed and by the time the Senate reconvened in a lame-duck session in December, we still had not passed 11 of the 13 appropriations bills necessary to organize this Government. And they still have not been passed.

We need to be moving on those bills now. In fact, what we really need to be doing right now is preparing for the 2004 fiscal year that will begin in October. That is what we should be doing. But what are we doing? We are still working on those appropriations bills that did not pass last year. It is a historic failure because of the obstructive tactics that occurred in this Chamber. We should have done better. There is no excuse for that failure. But I really overstate the matter. We are not formally working on that now in any significant way because we do not even have committees. We do not have committees because the other side thinks just like they did with homeland security; that going forward and moving the agenda is so important they can demand and extract from Senator FRIST concessions they would not otherwise get under these circumstances. I do not believe that is healthy.

I hope Senator FRIST will reach across the aisle and do what he can to accommodate legitimate concerns, but I do not think he should be pushed be-

yond what he thinks is right. I do not think he should be shoved around where he concedes things that are not part of the historic traditions of this Senate.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. SESSIONS. I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I do not know if they have mules in South Carolina. I suspect they still do. I conclude by these remarks: It is said that one way to get the attention of a mule is a 2 by 4 across the head.

We had an election this past year, and I believe a critical part of that election dealt with the question of obstructionism in the Senate. The 2 by 4 has been delivered. I was proud to be sworn in, as I know the present occupant of the Chair was proud to be sworn in as the successor to Senator Strom Thurmond from South Carolina. There were 35 Senators sworn in. Twenty-two of them were Republicans. That is a pretty good 2 by 4 against those who believe obstructionism is the proper tactic.

Some on the other side think their lack of success in this election was not due to obstructionism. They think their lack of success was they were too cooperative, and they are being encouraged to fight even harder this time. If that is so, we are in for a long, difficult year, and that is why I am troubled by this extraordinary delay. It has gone on day after day, everybody thinking day after day it will be settled. It has not been settled yet.

So are we going to now start a year of partisanship and obstructionism on every issue? I hope not. I believe we need to settle this matter now, and I want to be clear and say I think Senator FRIST is doing everything possible to be fair and to work out this difficulty, and that once that is done we will move forward and we will have a successful Senate term.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

DO UNTO OTHERS

Mr. DURBIN. Mr. President, I have listened to the remarks of my colleague from the State of Alabama very closely and carefully, and I have a very simple suggestion of three words for the organizing resolution, and the three words are: Do unto others.

What the Democrats are proposing as an organizing resolution, in a 51-49 Senate, is exactly what the Democrats proposed to the Republicans when we had 51 votes and the Republicans had 49. We said, this is such a close division of control in the Senate we are going to offer resources which historically had never been offered to a minority but we felt that it was only fair, and here is what we said: We will give 55 percent of the resources to run the

Senate to the majority party, in that case Democrats who had 51 votes, and 45 percent of the resources to the Republicans. And the Republicans said: thank you. That is fair. That is just. We accept it.

Along comes an election and two Senate seats change, and guess what. Now the Republicans are in control with 51 votes, and this fair and just approach of running the Senate is now being rejected.

I am hearing from the Senator from Alabama that we do not understand the mandate of the American people says we are not going back to this fair allocation of resources—no, no, no. Two-thirds of the resources go to the Republicans and a third to the Democrats. Democrats get fewer offices, fewer staff, fewer people working for them, and the fact the Democrats gave the Republicans 45 percent of the resources when they had 49 votes, forget it, those days are over.

We are trying to, as the Senator from Alabama said, run over Senator FRIST. No, we are offering to Senator FRIST, the new majority leader, exactly as a proposal what we offered to the Republicans when they were in the same situation.

Our organizing resolution is simple: Do unto others. We are asking the Republicans to be as fair to us as we were to them, and they have rejected it.

My colleague has come to the floor today and said we are being unreasonable. I do not think so. When it came to allocating the resources of a closely divided Senate, we gave to the Republican minority of 49 Senators an extraordinary allocation of resources, a fair allocation of resources, and they do not want to see that happen again.

In talking about this last election, it was truly an historic election. The fact that the President's party would increase the number of seats in the House and the Senate is history making, and the Republicans deserve credit for that. Their party was successful in its campaign strategy, but to suggest that two Senate seats represent a revolution in thinking to the point where we can cast aside all of the fair allocations which we decided would be part of the future of the Senate is unreasonable to me. Why can't we play by the same rules?

Mr. SESSIONS. Will the Senator yield?

Mr. DURBIN. I am glad to acknowledge the Senator and allow him to speak on Republican time, but I want to maintain the 10 minutes I was allocated as part of morning business. I do not think that is unfair.

What we are suggesting is exactly what we gave to the Republicans and now they cannot stand it. They cannot stand the thought we would end up with 45 percent of the resources.

On the outside, people say, why are we haggling over 45 percent or 50 percent? Well, it comes down to people and staff who are working on committees, who are trying to process and

evaluate bills so we can have a lively and informed debate, and the Republicans want to deny us those resources, the same resources we offered to them. I do not think that is fair.

As for this organizing resolution, make it simple, three words: Do unto others. Have the Republicans do unto us what we did unto them in exactly the same circumstances. They say they cannot live with that. It really tells the whole story.

Let me talk for a moment about the failure of the last Congress, which the Senator from Alabama has addressed. It was breathtaking to hear his analysis of what happened over the 15 or 16 months when the Democrats were in control, how terrible it was, how things could not get done. He talked about the homeland security bill, and I remember when the Senator from Texas, Phil Gramm, came to this floor and tied up the Senate for 6 weeks and would not pass the homeland security bill because he would not allow an amendment to be called for a vote. For 6 weeks he held up the Senate, which can be done. This is the greatest place in the world to get nothing done, and we do a lot of it. The rules are designed so that nothing is done. Senator Gramm knew the rules and the Republicans knew the rules. Time and again they established the roadblocks and stopped the bills we wanted to pass.

Homeland security was a classic example. It got so bad that my former colleague, Max Cleland of Georgia, a triple amputee Vietnam veteran, a man I was proud to count as a colleague and friend, was attacked during the course of his Senate campaign for not being patriotic. He is a triple amputee Vietnam veteran, and they said in the campaign he was not patriotic because he would not go along with the Republican position on homeland security. To me, that represented the depths of campaigning in America, the absolute worst, and that is what we faced in the last election.

It is a tough business. This is not a bean bag. One has to expect give and take in this business. It is part of it. But that really represented the bottom as far as I was concerned, and that is what we are up against.

On prescription drugs, we came up with a proposal which said make it voluntary, make it universal, make it under Medicare so seniors have a chance to pay for their drugs. Who opposed it? The drug companies. Know why? Because if the Federal Government, under Medicare, offered this program we would bargain with the drug companies to bring down their prices.

They did not want to do that. That would cut into their profits. They supported the Republican version of their bills which basically gave the seniors little or nothing, and then turned around, and if people did not believe who they were supporting, look at the money they spent in the election—tens of millions of dollars in support of Republican Congressional candidates who

supported their point of view, that basically said consumers in America will keep paying the highest prices so the profit margins to these drug companies can be as high as they have always been. That was the whole story in that debate.

Frankly, when I hear the Senator from Alabama blame the Democratic Senate on the failure of the appropriations process, I might remind him the appropriations bills originate in the House and they could not get started. We passed two bills. There were 11 appropriations bills that did not pass, and still have not passed. They could not pass them out of the House because they could not reconcile the Republican caucus in the House. They put that blame on Senator DASCHLE and the Democrats. We could have done a better job. I wish we had. Frankly, some of those criticisms are weak and wrong.

Now a word about the President's stimulus package. Is it not interesting that the former Secretary of the Treasury, Paul O'Neill, said yesterday that had he continued on as Treasury Secretary, he would have not supported President Bush's stimulus plan: I would not have done it, Paul O'Neill said. I can understand why. When you look at this plan, you see there are three fundamental problems. It is not a stimulus plan. To get the economy moving, do something now. Give people spending power.

There are a lot of working families in Illinois and across the Nation. With a few more dollars, they would spend on goods and services, creating demand, creating jobs, creating opportunity. No way. This Bush approach is going to defer most of the money that will be spent for an extremely long period of time. Look at what the President's stimulus package does in the first year: 12 percent of the money he is proposing to be spent in the first year, \$110 billion; over a 10-year period of time, \$933 billion. This is not an economic stimulus. If it were, you would focus on the first year, as the Democrats have, put the money in the first year, get the economy moving again.

I live in a State now No. 3 in the Nation for unemployment. I cannot imagine that this has happened, but it has. In Illinois, there is 6.7 percent unemployment. We have lost over 20,000 manufacturing jobs in the last 12 months. The President says all the stimulus should come in years to come. What about the people losing their jobs today? Don't we want to put them back to work? Not under the President's plan.

The second problem is the nature of the tax breaks. They are fundamentally unfair. I believe this, fundamentally, when it comes to tax law: The majority of the tax benefits should go to a majority of Americans.

I have heard Republican Senators—one from Pennsylvania—say: Don't you understand? A third of the workers in America do not pay taxes.

Hey, wake up. These people are paying payroll taxes every week.

Oh, he just meant income taxes. What difference does it make if they are taking it out of your paycheck? That is what is happening to the workers who are being ignored by the President's proposal, ignored by the Republican majority in this Chamber.

Look at these benefits: Typical middle-income taxpayers, adjusted gross incomes up to \$38,000—that is at the lower end of middle income, I am sure—\$265 a year under President Bush's proposal for tax breaks. Now look at those with incomes over \$1 million a year: Under President Bush's proposal, those making over \$1 million a year will get almost \$89,000 in tax breaks. Think about that. When a citizen has \$80,000 in income a month coming in, how big a difference in your life is \$89,000?

Somebody said the other day in one of the articles, the President is standing up for minorities in America. Sure, the minority being millionaires.

Why in the world are we not standing up for the working people across this country? In my State and across the Nation, they are struggling to make ends meet. They are trying to pay the bills. These are folks who have seen their retirement income shrinking. If they are members of labor unions, they have seen their pension benefits threatened. Struggling working families in America are people who need tax breaks as well.

Take the cost of health insurance. What do you think about that? Have you paid any attention to what is happening, whether you are small business, large business, or labor union? It is breaking the bank. In my State, construction workers with good jobs, with good paychecks, come to me and say: Another year has gone by, we have \$1.50 more an hour under our contract, and I don't see a penny of it in take-home pay; it is being gobbled up by health insurance.

At General Electric, the employees called a strike because of the cost of health insurance.

And the President is saying, let's not worry about those folks, let's worry about the millionaires and give them \$89,000 in additional tax breaks. Why in the world are we not giving tax benefits to help working families and small businesses cope with the real expenses of life?

My colleague, Senator CHUCK SCHUMER of New York, has a proposal, which I cosponsor, which allows the deductibility of college education expenses. That just makes sense to me. A new couple with a new baby, and you go see them and say: Looks like his dad. Looks like his mom. Is he sleeping at night? Are you starting to save money for college for this little baby? The first thing that comes to mind: You know how expensive it is. Why in the world, if we are talking about tax breaks to help people, to spark the economy, aren't we talking about

things like that—breaks for small businesses to offer health insurance, breaks for families so they can pay for their kids' college education expenses, reductions in the payroll tax that would help every single American across the board. No way.

When this President takes a look at it, he cannot even see those people. The only people he sees are those making \$1 million a year; \$89,000 in tax breaks for them. That is not fair.

Let me tell you about something that troubles me greatly. Not only are the President's tax breaks unfair in terms of whom they help—not a stimulus, because they do not take place in the first year—the thing that troubles me greatly is we are returning to that era of deficits in America that we had under Presidents Reagan and Bush and the first few years of President Clinton: Red ink as far as the eye can see.

When you ask the Bush Cabinet, Aren't you worried about the deficits you are going to create with this tax program the President is proposing, they say that deficit is "manageable." Manageable—\$350 billion in deficit?

Let me tell you what we are doing. We are betraying two generations with the President's economic stimulus package. The first generation we are betraying is the baby boomers who within a few years are going to show up for Social Security and Medicare. For their entire lives, as long as they have worked, they have dutifully paid every single hour of every day of work into the Social Security trust fund with the understanding that when they were eligible for Social Security, it would be there and Medicare would be there. But the President's proposal is taking money—in this case, \$933 billion over 10 years—out of the Social Security trust fund, just at the baby boomers are looking for their benefits. At a time when the largest number of retirees come in, President Bush is taking more money out of the Social Security trust fund to make it more difficult to meet our obligation. Will we meet it? We will, but at the expense of everything else in our Government—at the expense of education, at the expense of prescription drugs, at the expense of helping families pay for their basic education needs and basic needs of their family. These are the topics central to this debate.

The second generation we are betraying is our children. President Bush's proposal betrays the generation of our children. Why do I say that? They have to pay off this debt. All this money that we are borrowing at this point in time in our history has to be paid back, or at least interest on it to service it over the years. The Republicans, fiscal conservatives, watchdogs of the Treasury, are digging us into this deep deficit of red ink so we can give tax breaks to the wealthiest people in America. How can that make sense?

Let me add another perspective. This is a time when usually a country cinches its belt, takes a view toward reality,

and is prepared to sacrifice. We are in the midst of a war on terrorism.

I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I ask unanimous consent for 7 minutes afterwards.

Mr. DAYTON. Reserving the right to object, is there an order established right now?

The PRESIDING OFFICER. There is an order.

Mr. DAYTON. Is the Senator from Alabama asking consent—is part of the unanimous consent request—I see the Senator from Vermont is here. I ask the Senator from Vermont if he wants to add his time to the unanimous consent request, and I request 15 minutes after the Senator from Vermont.

Mr. JEFFORDS. If you want to proceed, that is fine with me.

Mr. DAYTON. I refer to the Democratic whip.

Mr. REID. It is my understanding the Senator from Alabama wishes to speak. Is that right?

Mr. SESSIONS. Seven minutes.

Mr. REID. Following the Senator from Illinois. And then following that, the Senator from Vermont wishes to speak for how long?

Mr. JEFFORDS. Five minutes.

Mr. REID. And then the Senator from Minnesota wishes to speak for how long?

Mr. DAYTON. Fifteen minutes.

Mr. REID. I ask the Chair, do the Democrats, with our allotment of time, have that much time?

The PRESIDING OFFICER. Yes.

Mr. REID. I ask unanimous consent, then, that the Senator from Alabama be recognized following the statement of the Senator from Illinois; then the Senator from Vermont be recognized for 5 minutes; then the Senator from Minnesota for 15 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DURBIN. Mr. President, let me conclude by saying the following: On the organizing resolution, the Republicans should offer to the Democrats exactly what we offered to them under the same allocation of seats in the Senate, 51-49, Democrats over Republicans. We offered to the Republicans 45 percent of the funding for the Senate and they took it and said, thank you; that's only fair. That is all we are asking for now. It is not unreasonable.

Second, the President's economic stimulus package is not a stimulus because most of the benefits do not occur in the first year. It is not fair because most of the money is going to people in the highest income categories. And it is reckless in terms of the deficits it is creating for this generation of baby boomers who are going to need Social Security and for our children who will have to ultimately pay for this debt.

The final point I make is this. At a time of national sacrifice, facing a war on terrorism and the potential of at

least one other war in some other part of the world, we are allocating tax cuts and deeper deficits instead of saying to the American people: Stand with us; take care; let us go through this time of crisis together and then as the economy is restored we will stand together and prosper together. Instead, we are saying: Tax cuts for everybody—as long as you are wealthy in America.

That is not the best approach to get America moving again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I strongly disagree with the characterization of the President's stimulus package as stated by the Senator from Illinois. He is a great advocate and eloquent spokesman for his values and views, but I don't agree with that analysis.

The problem we are dealing with today is that it does little good to be talking about stimulus packages, war, or other matters when we can't get the Senate organized. He challenged some of the statements I made and I want to talk about that a little bit.

First, it is indisputable that the last Congress was marked by obstructionism and failure. We produced no budget for the first time in the history of the Budget Act, almost 30 years. No budget was passed. We were not under a budget. It is a historic failure of monumental proportions.

Mr. President, 11 of the 13 appropriations bills that should have been passed by October 1 of last year remain unpassed. This Government cannot operate, cannot spend money not authorized by Congress. So we are at this moment unable to even take serious steps toward passing these appropriations bills from last year when the Senator's leadership was in control because we can't get the Senate organized.

Homeland security was held up interminably, over nothing more than labor issues, driven by the other side. After the election, the President got exactly what he wanted. The other side capitulated on that because they were not sound objections. They never were. And the American people didn't appreciate it, and they knew it, and the bill passed.

There were a lot of bills that failed last year that should have passed had we met each other halfway. Let me tell you how that year started. This is important.

Two years ago the Senate was 50-50. That changed when the distinguished Senator JEFFORDS made a decision to change last year. But when it began, it was 50-50. The Republicans had an effective majority because the President of the Senate was Vice President of the United States, DICK CHENEY, and he would have broken the tie on these matters. In an effort to work in a bipartisan way, TRENT LOTT agreed to something never before agreed to. He agreed to basically a divided Senate financing and an organization that was

historically favorable to the Democrats, because we were at a 50-50 deal, and he wanted to work in a bipartisan way the last 2 years, in the last Congress. That was a big step, to not fight but to reach an accord. Some criticized him for that but he did that.

In the course of that agreement, somebody said: Well, what happens if the majority changes in this year? We don't know that is going to happen, but over every 2-year period often things change that you do not expect. So the agreement was reached that if the majority changed and the Democrats achieved a majority and got 51 Senators, then the funding would remain the same for the Republicans so we would not have disruption in the middle of that Congress. That was the agreement reached. When Senator JEFFORDS made his change—and he remained as an Independent but he organized with the Democrats and they had 50 Democrats and 1 Independent to organize and elect Senator DASCHLE the majority leader—then the funding continued as we had agreed months before when the original resolution was agreed to.

That is what happened. That is how it is that it came out that the funding ended last year the way it did. It was not as if the Democrats made a great concession. In fact, TRENT LOTT made the concession. As part of that agreement that they worked out, they worked out how it would continue throughout that Congress, and that is what happened.

Now we are here in a situation in which every committee is chaired by Republicans, every subcommittee is chaired by Republicans, and we are back into the normal historical deal where you have a majority in the Senate—whether it is 51, 52, 53, or 54—and the majority needs funding. The majority needs other capabilities to operate the Senate so we can pass our appropriations bills; so we can pass a budget; so we can move legislation that needs to be moved.

So it is just not right to say this plan that Senator FRIST is working on to return to the historic way that we have organized this Senate throughout our lifetimes, and perhaps even more, is somehow unfair and not legitimate. It is the way we organized and the way we ought to organize this time.

So I hope we do not start this Congress with this kind of spat. I know Senator FRIST has, for days now, been working to reach an accord with which people can be familiar. I think there are some who think if they keep shoving it, the crisis in our agenda is so important that Senator FRIST will just give in. I think he will be cooperative and reach out, but there is a limit as to how far he can and should go. I know he is not going to capitulate and give in to an unhistorical way to divide the leadership in this Senate and to accept a resolution of organization that is not consistent with our traditions and the needs, frankly, of this body.

I hope this will be worked out. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

EDUCATION

Mr. JEFFORDS. Mr. President, first, briefly, I remind those who don't remember that my decision to change parties came about on the basis of education and education funding, not what we have been discussing recently. At that time, the budget had left the Senate with \$500 million to be made available for education—maybe \$450 million. But when it came back out of conference it was zero, absolutely zero.

It was at that point, in order to impress upon this Nation the importance of education and to show my disagreement with my friends on the other side of the aisle, I decided I would change over such that the Democrats would have control of the budget process and that we would not suffer the horrendous cuts which were proposed in education.

I would say right now we are still on that issue. The most critical problem we have in this Nation right now is education. I will discuss that now and try to put some light on the difficulties we are having.

Usually in times of war the question of national priorities is summed up with a simple phrase: Guns or butter. But today, I fear that the choices aren't that simple. Perhaps it is time that we retool that phrase and ask ourselves, will it be guns or butter, tax breaks or textbooks?

As the threat of war dominates our front page headlines and as we talk about stimulating our economy with billions of dollars in tax breaks, I was astonished when I turned to an inside page of the New York Times last weekend and read the headline, "Schools Ending Year Early Among Efforts to Cut Costs."

If I may quote from that story:

Fourth-grade students in Portland, OR will not read about their State's history in their social studies classes, nor will they study the metric system in math class, nor will they study electricity in their science class.

That is because some schools in Portland will be forced to slash more than a month from their school calendars this year because the money has run dry.

And Oregon is not alone in this crisis.

In California, Oklahoma—all over the country—schools are having to cut millions of dollars and they expect even deeper cuts in the year to come.

Schools are cutting janitors, cafeteria workers and substitute teachers in an effort to keep their classrooms in tact. One teacher described it as "death by a thousand cuts."

In my home state of Vermont, there is talk of whether a 4-day school week would be an option.

This all comes on the heels of last week's celebration of the 1-year anniversary of the No Child Left Behind Act.